IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.491 OF 2006
IN
SUIT NO.442 OF 2006

KSB Aktiengesellschaft & Anr. ....Plaintiffs
V/s.
Rituraj Chowdhary ....Defendant

Mr.Ashish Kamath i/b M/s.Bharat Shah & Co. for the Plaintiffs.
None for the Defendant.

CORAM : S.J. VAZIFDAR, J.
DATED : 13TH SEPTEMBER, 2006.

P.C. :

1. The suit is filed for infringement of the Plaintiffs' trade mark "KSB" and/or "KSB & logo" in relation to pumps/parts/components.

2. The Plaintiffs are the registered proprietors of the said trade marks and logo. The Defendant has used in relation to the identical goods mark "KSV". Thus the only change is in the last letter. The lettering is also almost identical.

3. An ad-interim application was moved on 28.2.2006 but was not pressed in view of a letter dated 27.2.2006. By the said letter (tendered in Court and marked "X"), the Defendant admitted having

applied for the impugned mark but stated that it had never been used ; that the Defendant would never use the same in future and that he would withdraw the application for registration thereof.

4. The marks and logo are deceptively similar.

5. In view thereof and in view of the said letter dated 27.2.2006, the Notice of Motion is made absolute in terms of prayers (a) and (b).

6. The Notice of Motion is accordingly disposed of.